



ITEM# 2

DATE: 11/13/05

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: November 7, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development
Review Division

FROM: A. Malcolm Shanahan, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Lots 3 and 4 Block 18, Glen Echo Heights

PROJECT NAME: Glen Echo Heights

CASE #: 1-04008

REVIEW BASIS: Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations
Chapter 59, Montgomery County Zoning Ordinance

ZONE: R-90

LOCATION: In the southeast corner of the intersection of Walhonding Road and Wapakoneta Road

MASTER PLAN: Bethesda – Chevy Chase

APPLICANT: Carter Willson

FILING DATE: July 30, 2003

HEARING DATE: November 13, 2003



STAFF RECOMMENDATION: Approval, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations and Subject to the Following Conditions:

- (1) Provide revised preliminary plan drawing that reflects a 17-foot side yard setback on the south side of proposed Lot 38 to improve the potential for preservation of existing vegetation and to provide additional buffer for existing house on Lot 6. Northern lot line of proposed Lot 38 shall have an eight foot side yard setback

- (2) Compliance with all recommendations of Final Tree Preservation Plan. A final plan acceptable to staff must be approved prior to recordation of any plat for the subject property. The final plan must be in accord with arborist's recommendations contained in the plan submitted 10/10/03 for saving certain onsite trees (including 54 inch Oak tree on proposed lot 37), protecting off site trees; and additionally, the final plan must address all staff comments of the 11/07/03 Environmental Planning memo, including maximizing house setback and minimizing grading along the southern property line of proposed lot #38
- (3) Category II Easement for tree save over entire property, with record plat reference to final approved tree save plan.
- (4) Setbacks for proposed Lot 36 to be in accordance with Board of Appeals Opinion for Case No. A-5836, and reflected on record plat
- (5) Compliance with the conditions of approval of the MCDPS stormwater management approval
- (6) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval
- (7) Compliance with conditions of MCDPWT letter dated, November 3, 2003 unless otherwise amended
- (8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (10) Other necessary easements

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) comply with all seven of the "Resubdivision Criteria" as set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

"Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision."

Defined Neighborhood

In administering the Resubdivision section, the Planning Board must delineate an area within which it conducts its lot character analysis. In this case, staff recommends a neighborhood delineation that will enable the Board to effectively determine whether the proposed lots comply with the resubdivision criteria with respect to the character of those existing recorded lots most impacted by the proposed Resubdivision. Below, staff has provided a description of the area analyzed under the resubdivision criteria and has also attached to this staff report an illustration, which delineates the neighborhood.

In defining the appropriate neighborhood for lot character comparison purposes, it has been long-standing Planning Board practice, facts and circumstances permitting, to limit the neighborhood to include only lots within the same zone and developed under the same standards as the subject property. All lots in proximity to the subject property are zoned R-90. In this case, the neighborhood used for evaluation consists of lots within close proximity to the subject property and includes a portion of the lots within the same block (Block 18) as the subject property, the confronting lots across Wapakoneta Road and the confronting lots across Walhonding Road. (See neighborhood delineation map) Given the consistency of the lot characteristics in the greater neighborhood, staff felt that expanding the defined neighborhood to include the entirety of Block 18 was unnecessary in that it would not have provided any additional lot characteristics that would have added to this resubdivision evaluation exercise. Part of Lot 1, Block 17, was excluded because it is an unplatted remainder of a previously recorded lot.

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda - Chevy Chase Master Plan area. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the residential zoning as adopted. The proposed resubdivision, if approved, would comply with the recommendations adopted in the master plan.

DESCRIPTION

Vicinity

All of the lots in the defined neighborhood were recorded in 1891-1892. Three resubdivisions have altered the original lot pattern. The first, in 1952, created lots 23, 24 and 25, which abut the subject property to the east. The second resubdivision occurred in 1964 and involved the majority of the lots to the south of the subject property within block 18. The third resubdivision occurred in 1964 and created Lot 23 to the west of the subject property. This resubdivision also created Part of Lot 1, which was never recorded by plat. Again, Part of Lot 1 was not included in the defined neighborhood. The lot pattern in the defined neighborhood has remained unchanged since then.

Proposal and Analysis

Staff has provided two resubdivision tables for comparison. One ranks the lots by size, the other ranks the lots by area.

This application for resubdivision proposes to create three lots from Lots 3 and 4, Block 18, Glen Echo Heights. Proposed Lot 37 will access Walhonding Road, Lots 36 and 38 will access Wapakoneta Road. The applicant has received a variance of 5 feet from the established building setback along Wapakoneta Road from the Board of Appeals for the construction of a house on the corner lot, Lot 36. Construction of the house on this lot is approved under a building permit.

Of particular interest to staff is the preservation of a 54-inch Oak tree on the property on proposed lot 37. The applicant, at the request of staff, submitted a detailed arborist study to determine the most feasible means to save the tree. The report has recommended specific measures that will be required to preserve this tree. Staff has addressed the preservation of this tree through the conditions of approval.

The plan proposes three lots of comparable **size**: (12,100, 11,600 and 10,800 square feet). As shown on the attached tabular summary, the lots are within the range of lots sizes for the defined neighborhood that range from 14,384 square feet to 6,284 square feet. Similarly the tabular summary shows that lot **area** for the proposed lots fall within the range of other lots in the defined neighborhood. Although proposed Lot 38 tends to have an area at the lower end of the range, it is consistent with other corner lots in the neighborhood that have two front yard setbacks, thereby limiting useable areas. Staff finds the lot **shapes** to be consistent with the square and rectangular lots in the neighborhood.

The **widths** and **frontages** of the proposed lots range from 82 to 75 feet. The tabular summary shows that these dimensions are consistent with those of many other lots in the neighborhood. The proposed lots are **aligned** perpendicular to the street, as are all lots in the defined neighborhood. All lots have been deemed to be **suitable** for residential development.

CONCLUSION

The proposal, as submitted, complies with all seven of the resubdivision criteria of Section 50-29 (b)(2) of the Montgomery County Subdivision Regulations. This application proposes three lots that are of the same character with respect to size, area, shape, width, frontage, alignment and suitability for residential use of the lots within the delineated neighborhood. Staff recommends approval of this application, subject to the conditions cited above.

Attachments

Vicinity and Neighborhood Delineation Map	5
Neighborhood Development Map	6
Proposed Resubdivision Plan	7
Tabular Summary	8 - 9

Citizen correspondence has been submitted to the file and is attached

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The **width** and **frontage** of the proposed lots range from 82 to 75 feet. These dimensions are consistent with those of many other lots in the neighborhood. The proposed lots are **aligned** perpendicular to the street, as do all lots in the defined neighborhood. All lots have been deemed to be **suitable** for residential development.

CONCLUSION

The proposal, as submitted complies with all seven of the resubdivision criteria of Section 50-29 (b)(2) of the Montgomery County Subdivision Regulations. This application proposes three lots that are consistent with the size, area, shape, width, frontage, alignment and suitability for residential use of the majority of lots within the neighborhood. Staff recommends approval of this application, subject to the conditions cited above.

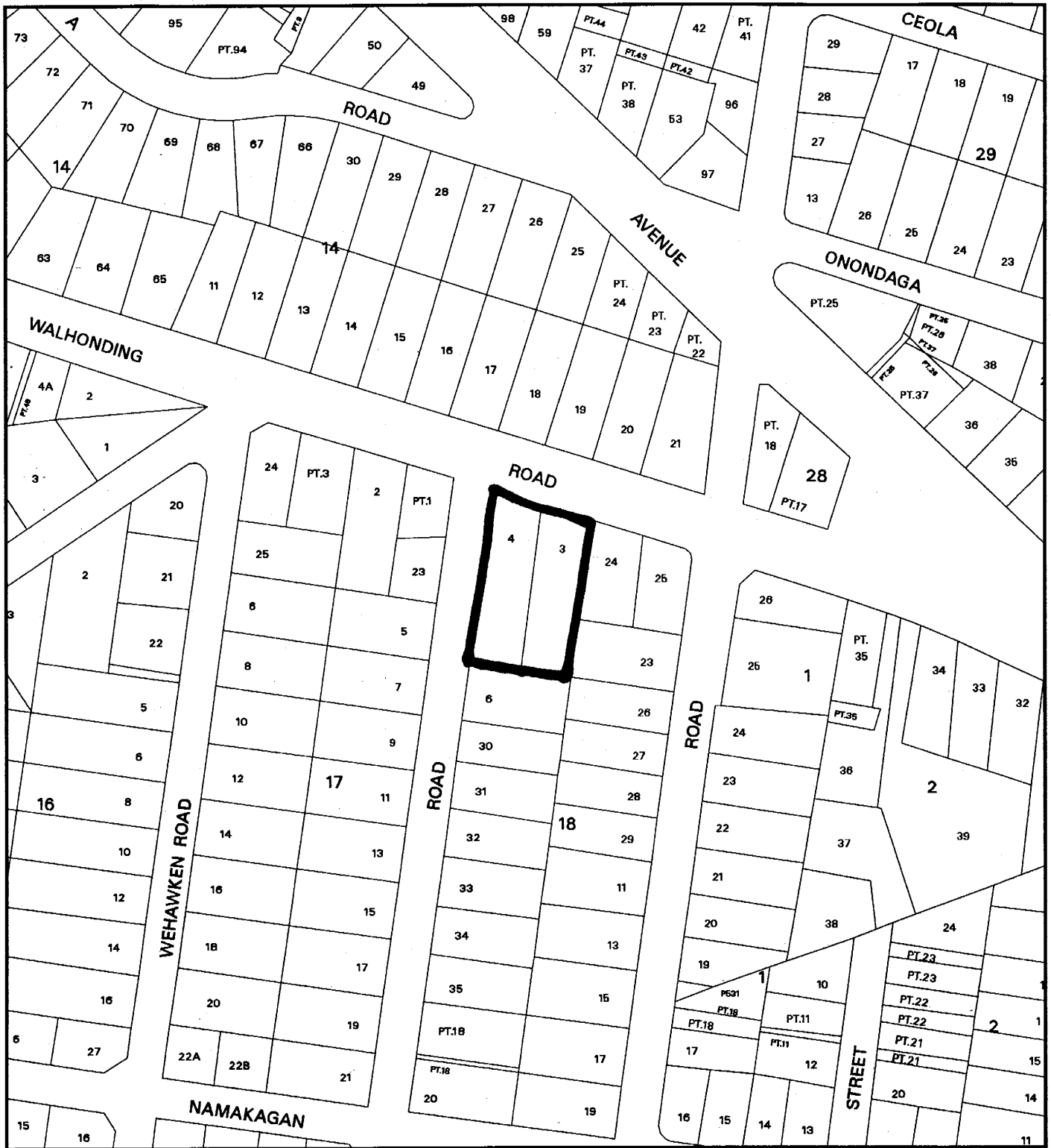
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VICINITY MAP FOR

GLEN ECHO HEIGHTS (1-04008)



Map compiled on August 10, 2000 at 10:05 PM | Site located on base sheet no - 207NW06

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



Research & Technology Center



1 : 2400

VICINITY MAP FOR

GLEN ECHO HEIGHTS (1-04008)



Map compiled on August 10, 2000 at 9:48 PM | Site located on base sheet no - 207NW06

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Key Map



N

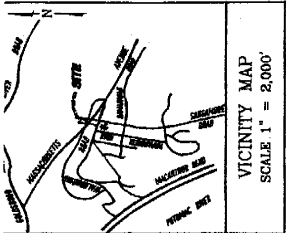


Research & Technology Center



1 : 2400

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3700



VICINITY MAP
SCALE 1" = 2,000'

NOTES

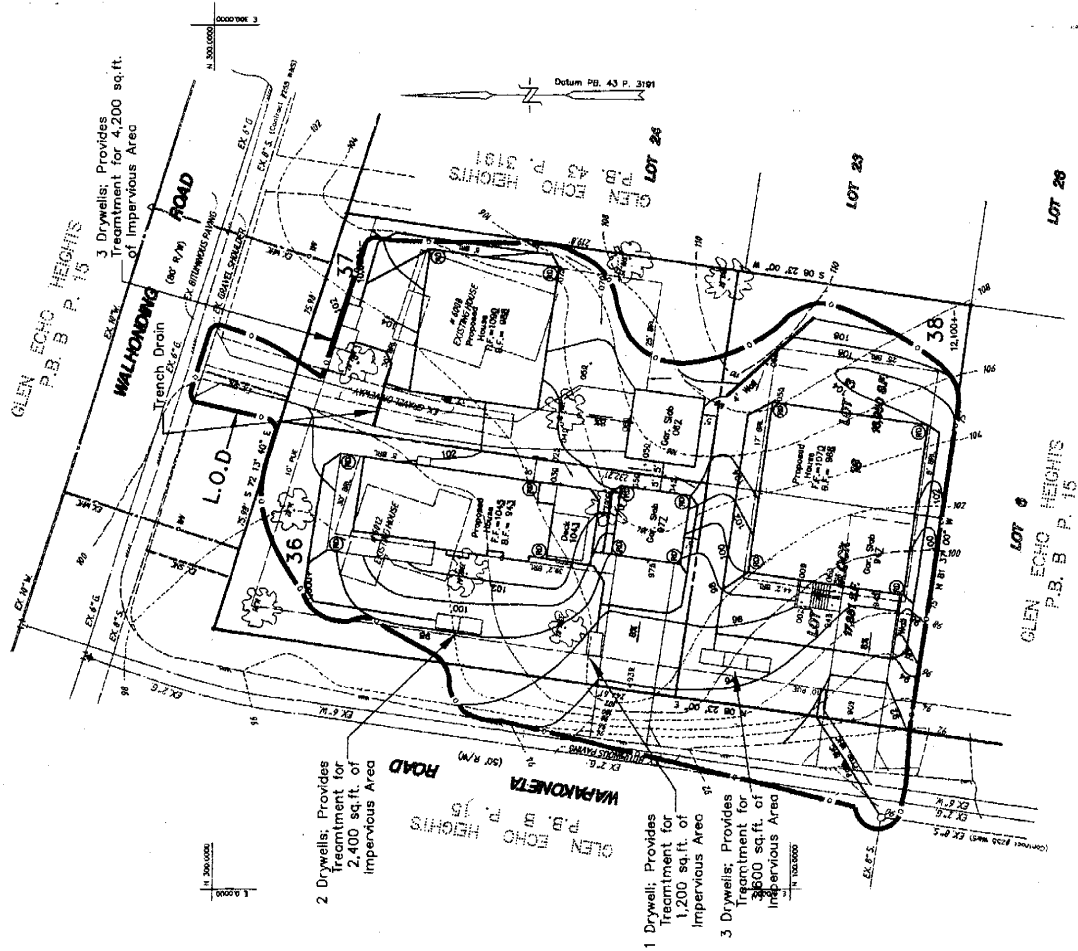
1. Property from Miller & Associates, LLC.
2. Survey information from records books and plans.
3. Meter and beam surveys by 1" and 5/16" respectively.
4. The property to be subdivided, the proposed lot and its boundaries.
5. Number of lots proposed by this plan: 3
6. The proposed subdivision is subject to the following conditions:
 - a. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-101 through 28-105.
 - b. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-106 through 28-108.
 - c. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-109 through 28-110.
 - d. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-111 through 28-112.
 - e. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-113 through 28-114.
 - f. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-115 through 28-116.
 - g. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-117 through 28-118.
 - h. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-119 through 28-120.
7. This site is within the Baltimore/Thurgood Marshall Transportation Policy Area.
8. The site design is in accordance with the Baltimore/Thurgood Marshall Transportation Policy Area.
9. The site design is in accordance with the Baltimore/Thurgood Marshall Transportation Policy Area.
10. This plan is not for construction purposes.
11. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-101 through 28-105.
12. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-106 through 28-108.
13. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-109 through 28-110.
14. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-111 through 28-112.
15. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-113 through 28-114.
16. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-115 through 28-116.
17. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-117 through 28-118.
18. The subdivision is subject to the provisions of the Subdivision Act, Maryland Code, Article 28, §§ 28-119 through 28-120.

SKINNERS - MULLIGAN, INC.
 Surveyors
 10000 Rockville Pike, Suite 300
 Rockville, MD 20850
 Phone: (301) 736-7717
 Fax: (301) 736-7718
 E-mail: info@skinnersmulligan.com
 Website: www.skinnersmulligan.com

SURVEYOR'S CERTIFICATE
 I, the undersigned, being a duly Licensed Surveyor in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original and correct plat as recorded in the Office of the State Surveyor, State of Maryland, on this 7th day of July, 2013.
 [Signature]
 State of Maryland
 Montgomery County
 Surveyor

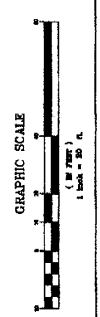
TAX MAP OR 363
 WEST07 RW 06
PRELIMINARY SUBDIVISION PLAN
LOTS 36, 37 & 38 BLOCK 18
GLEN ECHO HEIGHTS
 13TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
 Macris, Hendrick & Glascock, P.A.
 Surveyors
 8220 Weyman Road, Suite 100
 Rockville, MD 20850
 Phone: 301.983.0000
 Fax: 301.983.0001
 Project No. 13-001-01
 Sheet 1 of 1



PREPARED FOR:
 Carrier, Inc.
 1882 East Gade Dr., Suite 301
 Rockville, MD 20850
 (301) 736-7717

NO.	DATE	DESCRIPTION	BY



GLEN ECHO HEIGHTS
RANKED BY AREA

Block No.	Lot No.	Frontage	Alignment	Area S.F.	Shape	Width	Size S.F.
	21	Corner 96-177	Perpendicular	6840	Rectangular	110	14185
	2	76	Perpendicular	6800	Rectangular	75	14384
14	15	69	Perpendicular	5280	Rectangular	69	12075
	16	69	Perpendicular	5280	Rectangular	69	12075
	17	69	Perpendicular	5280	Rectangular	69	12075
	18	69	Perpendicular	5280	Rectangular	69	12075
	19	69	Perpendicular	5280	Rectangular	69	12075
	20	69	Perpendicular	5280	Rectangular	69	12075
	7	80	Perpendicular	5255	Rectangular	80	12000
	9	80	Perpendicular	5255	Rectangular	80	12000
	11	80	Perpendicular	5255	Rectangular	80	12000
	5	80	Perpendicular	5225	Rectangular	80	12000
18	6	80	Perpendicular	5225	Rectangular	80	12000
	23	80	Perpendicular	5225	Rectangular	80	12000
*	38	38	Perpendicular	4615	Rectangular	82	12100
*	37	76	Perpendicular	4343	Rectangular	75	10800
	24	76	Perpendicular	3950	Rectangular	76	10020
	30	60	Perpendicular	3325	Rectangular	60	9000
	31	68	Perpendicular	3325	Rectangular	68	10200
	32	68	Perpendicular	3325	Rectangular	68	10200
	26	60	Perpendicular	3325	Rectangular	60	9000
	27	60	Perpendicular	3325	Rectangular	60	9000
	28	60	Perpendicular	3325	Rectangular	60	9000
	29	60	Perpendicular	3325	Rectangular	60	9000
	25	Corner 76-115	Perpendicular	3300	Rectangular	75	9029
*	36	Corner 76-165	Perpendicular	2725	Rectangular	75	11600
	23	89	Perpendicular	1180	Square	80	6284

* - Proposed Lots

GLEN ECHO HEIGHTS
RANKED BY SIZE

Block No.	Lot No.	Frontage	Alignment	Area S.F.	Shape	Width	Size S.F.
	2	76	Perpendicular	6800	Rectangular	75	14384
	21	Corner 96-177	Perpendicular	6840	Rectangular	110	14185
*	38	38	Perpendicular	4615	Rectangular	82	12100
14	15	69	Perpendicular	5280	Rectangular	69	12075
	16	69	Perpendicular	5280	Rectangular	69	12075
	17	69	Perpendicular	5280	Rectangular	69	12075
	18	69	Perpendicular	5280	Rectangular	69	12075
	19	69	Perpendicular	5280	Rectangular	69	12075
	20	69	Perpendicular	5280	Rectangular	69	12075
	7	80	Perpendicular	5255	Rectangular	80	12000
	9	80	Perpendicular	5255	Rectangular	80	12000
	11	80	Perpendicular	5255	Rectangular	80	12000
	5	80	Perpendicular	5225	Rectangular	80	12000
18	6	80	Perpendicular	5225	Rectangular	80	12000
	23	80	Perpendicular	5225	Rectangular	80	12000
*	36	Corner 76-165	Perpendicular	2725	Rectangular	75	11600
*	37	76	Perpendicular	4343	Rectangular	75	10800
	31	68	Perpendicular	3325	Rectangular	68	10200
	32	68	Perpendicular	3325	Rectangular	68	10200
	24	76	Perpendicular	3950	Rectangular	76	10020
	25	Corner 76-115	Perpendicular	3300	Rectangular	75	9029
	30	60	Perpendicular	3325	Rectangular	60	9000
	26	60	Perpendicular	3325	Rectangular	60	9000
	27	60	Perpendicular	3325	Rectangular	60	9000
	28	60	Perpendicular	3325	Rectangular	60	9000
	29	60	Perpendicular	3325	Rectangular	60	9000
	23	89	Perpendicular	1180	Square	80	6284

* - Proposed Lots